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WEDNESDAY, APRIL 13, 1910.

FIGHTING FOR THE STATE COURTS.
The Mississippi Supreme Court has decided that any corporation doing business in that State and appealing from the decision of any State court to a Federal court forfeits its charter in that State and cannot operate in Mississippi. In this, the court upheld a recent act of the Mississippi Legislature, which was aimed to reach the Louisville and Nashville Railroad. If this decision is appealed, as it most assuredly will be, the Supreme Court of the United States will be forced to pass on a question which most vitally concerns the rights of the States, and one which will give the court an opportunity such as it has not had in years of showing how it stands regarding the rights of the States.

The issue will be sharply drawn. The State of Mississippi authorized the railroad company to do business in that State. It had the power, in making the corporation's charter, to stipulate the conditions on which that company could have a right of way and a license. The Legislature, which gave this charter, now wishes to change it, and by a general act, to make it compulsory on all corporations doing business in Mississippi to try their grievances in the courts of that Commonwealth. To all intents and purposes, the Legislature adds this as a feature of the companies' charters and requires them to uphold it if they wish to operate in Mississippi. On broad legal grounds, a State has a right to change the charter of a corporation created by itself, provided that charter be not perpetual and provided the property rights of the corporation be not impaired by such a change; but has the State the right to require of a corporation, made up of the citizens of other States, that it waive the rights guaranteed it under the Constitution of the United States? This will be the real question before the court. If the decision of the Mississippi court be upheld, the rights of the State to legally adjudicate, before its own tribunals, the grievances of corporations operating in the State will be firmly established, with a consequent gain in the powers of the States. If, on the other hand, the Supreme Court rule that the corporation has a right to appeal from a State court, regardless of all State laws, the State will be the loser, and its judicial rights over foreign corporations will be reduced.

As the power of removal stands today, it leaves much to the State courts and leaves that little in a most confused and uncertain condition. In the broad powers vested in the Federal courts by the Constitution, there was not a word said about the right of appeal from a State court to a Federal court, and not a word by which Congress could require a State to yield over jurisdiction in cases affecting its citizens only. This did not deter the advocates of centralization, who have extended the powers of the Federal courts until to-day few cases arise which cannot, under some construction of the laws, be conveyed to a Federal court. Where any man can allege any cause of action, or any defense based upon the Constitution, he has the right of appeal to the Federal court from the highest State court. If a man be deprived or consider himself deprived by a State of any right guaranteed him in the Constitution, he can carry his plea from a State court to a Federal court. Aside from these general grounds for removal, which include perhaps four-fifths of all cases that can be called in a State court, there are special grounds of removal, aimed to aid Federal officers in the discharge of their duty or enacted to promptly remove cases in which the Federal Government has a special interest.

There are, to be sure, some limitations upon this right of any litigant to remove his case to a Federal court. The act of 1856-57, which was the source of memorable contention at the time, provides that where a litigant has elected to have his case tried in one court, when he has the right of trial in the State or the Federal court, he cannot remove this case, though presumably if the hearing be in a State court he has the right to remove the case upon appeal to a Federal court on other grounds than those alleged at the time the suit or action was originally entered. It happens also, under a strange paradox of the law, that certain cases which can be properly removed to the Federal courts must yet be heard in those courts according to the laws of the State from which the case came. These exceptions, however, are more nominal than real.

If the question were simply one of justice in removing a case from a State court to a Federal court, the

ever growing tendency of the Federal Government to weaken the State judiciary. Such, however, is not the case. The end is not one of justice, but one of power; and the Federal Congress has consistently taken power from the States by reducing the powers of the courts, in order that it might strengthen the Federal judiciary. The process is a very simple one. A litigant goes into a State court, filled with respect and awe for that court. He finds that the decision in his case rests not with the State court or with the State that made the court, but with the Federal court established under the sanction of a Federal Government. The final court is the powerful one, and when all roads lead to Washington the litigant's respect for the State lessens and his reverence for Federal authority grows.

Then, too, despite the long and proved impartiality of our courts, it is inevitable that a strong Federal judiciary will gradually increase the powers of the government that created it. It was so in Marshall's day, and it is so in our day. When a centralizing power holds the reins of government, it is impossible to hope that the State courts can maintain their place, or that such a case as that decided in Mississippi will be finally adjudicated in favor of the State. Yet this does not lessen the validity of objection against the power of the Federal judiciary or weaken the justice of the cause fought by the States.

THE COLONEL'S PLANS ARE SHAPING UP.
We knew the Colonel could not do it. It was impossible. To travel through the courts of Europe, to read the cablegrams which are being sent him by the score and to hear the questions of hundreds of newspaper men without telling what he was going to do, would have been more than any one could properly have expected of the Colonel. In fact, it is really remarkable that he journeyed from the head waters of the Nile as far as Porto Maurizio without announcing his future plans. He knew that the people wanted to know and he realized that the scales of government were suspended while his decision was being awaited. He knew the faithful on this side of the Atlantic were standing at the hitching-post, bridled and saddled, ready to trot off at his word.

Now he has decided and it is all up with the opposition. Just as soon as he lands and has received the plaudits of the waiting multitude he will forgo his thunder, and then when he gets before the National Conservation League he will tell them all about it. He will outline once again his policies and will hold up to the abuse of the elect those who have risen up in his absence and know not Joseph. Something will happen then—something wonderful and portentous. The President will resign the moment he hears that the Colonel has rejected him. The insurgents will rush from their covering or his themselves to the tall timber, according as he will be for them or against them. Everybody will rise up and cry, "Great is Theodore—long may he live!"

Along with the assurance that he will address the Conservation Congress come vague and equivocal reports to the effect that the Colonel is "wavering." Tremendous influences are being brought to bear to persuade him that the safety of America requires four years more of his rule. In the deep woods around the Italian town he has fought out the question and perhaps has decided before this time whether or not he will let himself be made President.

Of course, there is no connection between his promise to address the National Conservation League and the reports that he is still wavering. Nobody could think of charging the Colonel with political aspirations. If he is forced to accept the nomination—of course he will not ask for it—the Colonel will not let the Conservation League have anything to do with it. He is merely obliging Pinchot by speaking before the league, for the Colonel is a patriot, and a patriot never puts two and two together, but goes ahead, regardless of public opinion, determined to do or die.

Pinchot is pleased. In fact, he appears "elated," according to the press reports, and his smile is broader than that which he wore on Monday when he was still talking with his Master. Pinchot cannot help being elated, because he knows that when he has secured the Colonel's support he has everything. What does it matter if Taft is President, and Ballinger is Secretary of the Interior? What does it matter if the laws are upheld and the will of the legislative branch of government is enforced by the Executive? The Colonel is for him, and Pinchot cares not if all others be against him.

Things are shaping up, both for the Colonel and for Pinchot. A BOY ON THE GALLOWS. News comes from Deland, Florida, that Irvin Hanchett has been found guilty of the murder of a thirteen-year-old girl in that town. The boy is only fourteen years of age himself, but he has been sentenced to be hanged. Without apparent compunction or hesitation the court metes out to this child the same punishment that would have been given the most hardened criminal in America, and demands that he expiate on the gallows his crime against the girl.

This is short-sighted retribution. A boy at fourteen is not a man and cannot have a man's responsibilities. To deal with him as one would deal with a man of mature judgment is to overlook all the difference between the boy and the man and to forget that mercy which lies back of all justice.

It is highly probable from the press dispatches that the boy is a degenerate whose prospects of reform are slight.

sponsibility of society for him and for his welfare. Even if he be hopeless, there is no reason why he should be hanged. Justice has moved far in the last hundred years, and looks more at the character of the individual offender than in the old days of punitive punishment; but justice is still far behind public sentiment when it sanctions the execution of such a boy for murder. A better course and a more generous one would have been to send this youngster to a reform school or to an asylum, where he could be trained and corrected. He might never recover even there that normal mind which God gives to every man, but he should at least be given the opportunity. He is too young to know what he has done and too young to be held responsible in a full measure of the law for the crime he has committed. The safety of society does not demand his execution.

THE DECISION IN THE TRUST CASES.
The decision of the Supreme Court to order a reargument of the trust cases now before the bar of the court means that the final verdict in these cases will not be handed down until next fall. The court will conclude its docket within the next few weeks and the judges will go on circuit. As the cases cannot be retried before the end of the present term, they cannot come before the court until that body reconvenes for the winter term. This will be a most decided blow to the administration, which was apparently counting on a favorable verdict in these cases before the fall elections. As it is, the Republican Congressmen will have to go before the country with their trump card of "trust busting" missing from the deck.

There is much speculation as to why the court ordered a reargument of the cases, and the general impression seems to be that the court was divided 4 to 3 on the questions at stake in the suits against the Standard Oil Company and the American Tobacco Company. It is generally believed that with one seat vacant and with another justice ill, the court did not feel willing to hand down a verdict which would not represent a majority of the court.

If this be the case, President Taft will be under a very heavy responsibility in choosing a successor to Justice Brewer. The new justice, whoever he is, will have the deciding vote on the suits and will fix the success of the administration's fight against the trusts on way or the other. Of course, President Taft knows this and feels the burden placed upon him. He knows that he must choose a man to decide a case which concerns one of the issues upon which the Republicans were returned to office at the last Presidential election; but the President cannot and will not let this knowledge influence him in his action. He will pick the best man for the place, and will leave the decision to the latter's private judgment.

The whole incident, however, is a remarkable illustration of how democratic institutions after all depend in many instances upon the action of a single man. The new appointee will have to determine a question in which the rights of the case are about divided. His decision will therefore depend upon his view of the law rather than upon the merits of the case. Yet this one man's view, formed as it must be, in this unsatisfactory way, will determine a question which concerns the control of millions of vested capital and the rights of the Government in regulating trusts.

HIGH SCHOOL ORGIES.
A young girl in Bridgeport, Connecticut, is recovering from the effects of an enforced meal of macaroni boiled in soft soap, and her father is swearing vengeance against the secret society in the high school which administered the unusual meal as a part of its initiation. It appears that the girl was finally approved as a suitable candidate for the high school sorority and was initiated amid the usual orgies. Aside from being compelled to eat the macaroni, she is alleged to have suffered various other indignities which menaced her life.

The girl's father has every reason to be angry in this case, and is doubtless right in thinking the treatment given his daughter was little short of barbarous. College fraternity initiations often are, and their prototypes in the high schools are probably worse. The school authorities, however, are the proper authorities to deal with this matter. They can regulate the sororities and fraternities where they will and can demand, as a condition of the societies' existence, initiations that are neither brutal nor cruel.

In asking the city school authorities to break up the order which administered this savage initiation, the girl's father thinks that the high school fraternities and sororities should be broken up on general principles. "I am opposed to high school secret societies," he is quoted as saying, "on the ground that they encourage snobbishness."

There is something of truth in this. The fraternities do, perhaps, in scattered instances, create class feeling in the colleges and give a certain element an impression of its own superiority; but it will be admitted by those who know anything about them that college fraternities, generally, do a great deal of good as well. College boys need companionship, and the freshman in particular needs guidance. None is better prepared to give this than the older boys in the fraternity who have experience to support their friendly advice.

UNCLE JOE IS WRATHY AGAIN.
Uncle Joe Cannon seems to be worried at the refusal of the House to appropriate \$2,500 per year for the maintenance of the Speaker's automobile. At least, if Uncle Joe is not worried he would hardly have left his house today. Monday and Tuesday

new his defiance of all who oppose his rule. He loves his place and he loves his gavel, and when he leaves them to hang on the floor of the House he must be excited beyond his wont. Of course, while this particular act of the House was a very small thing to the Treasury, it was to be laughed at by Uncle Joe. It costs a lot of money to keep an automobile, and it is always a consolation to any man to ride about in a car for which somebody else pays. Taking that \$2,500 away from Uncle Joe not only put the expense of keeping the car on his bill, but it took away one of his chief claims to distinction and one of the chief badges of his office.

For all of this, Uncle Joe must be rather sure of his position to square himself on the floor, shake his grizzled head and dare the insurgents to come on, after all that they have done in the last few weeks. Cannon must know that the faithful who heed the call of the party whips are determined to stand by him, cheek and jowl, and will not suffer him to see corruption at the hands of the Insurgents and Democrats. Otherwise it would be tempting disaster for him to flout himself in the face of the opposition and to dare them as he did to go to the floor to hit him.

It is safe to predict that Cannon's defiance will go well-nigh unchallenged by the Insurgents. The latter talk a lot and threaten much, but their overthrow of Cannon would practically be their renunciation of all claims to the support of the other Republicans. They know this and are not prepared to take any chances.

The Insurgents may not like Cannon, and they may even hate him. They may despise the tariff and may wish to see it honestly revised, but they are still Republicans and always show themselves to be Republicans when a test question is raised. Cannon appreciates these facts and knows he can have the satisfaction of shaking his fists in the face of Vice President and the rest until this Congress is over without danger to himself.

Aside from all question as to the sincerity of the Insurgents, Cannon can hardly be ousted at present, because another Cannon would have to be put in his place. Cannon is a nuisance as a dictator and is probably not very admirable as a man. He has misused his power for the benefit of his own party and has abused his high office to vent personal grudges; but this does not alter the facts in the case. A Speaker must have power, and just such power as Uncle Joe has, though he should use it more carefully. Crisp had such power, and every Speaker had it, were he Democrat or Republican, who did anything to expedite legislation in Congress. It is right enough to reject Cannon personally, but it is wrong to suppose that a speaker can rule such a gathering as the House of Representatives without power and a great deal of it.

WHAT CAN A LAWYER CHARGE?
The trial of the suit brought by C. W. Hartridge against Mrs. Mary C. Thaw goes merrily on. Every day brings to light some new chapter in the story of the old woman's efforts to keep her son from the scaffold. In his attempt to secure judgment against Mrs. Thaw for \$95,000, which he claims to be due for services as counsel in the first Thaw trial, Mr. Hartridge has not hesitated to reveal every incident connected with the preparation of Thaw's defense. He has confessed to bribing women to keep them off the witness stand. He has stated that he spent \$200 the night in dining and wining chorus girls from whom he wished to get facts that would aid him in his defense of Thaw. He has admitted a multitude of other expenses which are as novel in character as they are tremendous in amount.

We are heartily sick of Harry Thaw and every one connected with his trial; and are not in the slightest degree interested in the future of that unfortunate young man. So far as he is concerned we are willing to let him alone. This suit, however, brings to light a very interesting question of law, or at least of legal ethics, which concerns not so much Thaw as the whole legal profession.

How far is the lawyer justified in bleeding his client and what expenses can a lawyer legitimately charge those who employ him in a particular case? It was customary in other days and it is still customary in this section of the country for a lawyer to be very careful in his record of legal expenses. The average attorney would no more feel justified in bribing a woman to keep her from the witness stand than he would in bribing a witness on the stand; and a reputable barrister of the South would not think for a moment of spending \$200 in a restaurant to get information as to the amours of his client. Yet, Mr. Hartridge seems to think that all of these are legitimate expenses, and he sees no reason why the widow Thaw should not pay for his dinner as a part of his service. According to him, every expense is a legitimate expense and everything that he did as attorney for Mrs. Thaw has to be paid for by Mrs. Thaw.

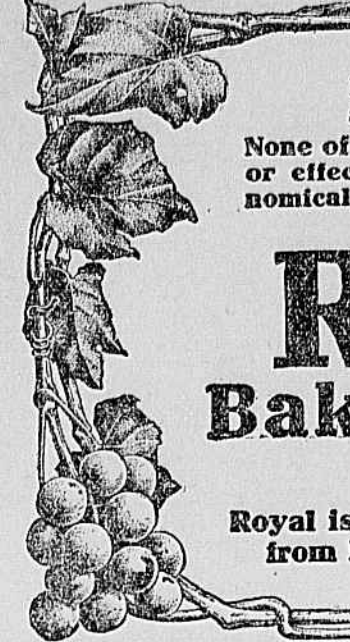
Legal expenses have gradually been mounting upward for the last generation, and they are already high enough in this country. It costs more to-day to institute suit and to secure judgment than it ever cost; and a man has to pay more in his efforts to secure his acquittal of a crime than he ever had to pay. Some halt must be called, if the average man is to have

anything left when he leaves the court a free man or a convicted felon. Of course, such a halt could only be called by the Bar Associations. The courts could not regulate attorneys' fees and no assembly could say what expenses a lawyer should properly charge to his clients; but the Bar Associations, to one of which every reputable attorney must belong, can with propriety regulate these matters. Here in Virginia the Bar Association has fixed many of the charges which can be made for legal assistance, and their action has been approved not only by the people, but by the good sense of the profession. If the New York lawyers were to reach an understanding on this point their standing in the eyes of the nation would be immeasurably raised.

RADICAL RULE IN ENGLAND.
Premier Asquith's speech in the House of Commons on Monday showed clearly that the English government is in the hands of the Radicals. The Premier is insisting upon the policy announced by him in his first speech after the meeting of the present Parliament, and is now forcing a vote on the second resolution introduced as a part of the government program. This resolution aims to restrict the veto of the Lords on any measure to the life of a Parliament, and takes away from them the power to oppose for more than five years any measure that may receive the approval of the Commons. This means, of course, that the Lords will cease to have any permanent place in the law-making of the British Empire and will only be able to retard the most radical legislation for a period of five years.

Mr. Asquith's first resolution, which denied the Lords the right to veto any financial measure, was not as radical as the plan he discussed on Monday. The Lords, under the Constitution, have not been able to veto a money bill since the end of the seventeenth century. When they did so, as in 1851 and 1869, they were in rebellion against the Constitution. A resolution of the Commons restoring the Lords to their former position in relation to financial measures was, therefore, a simple return to the principles of the Constitution; but a denial of the Lords' right to veto other measures, such as is now proposed, is a decided revolution in the organic law of the empire.

It seems highly probable that Mr. Asquith will push his resolutions through, if he is able to do so, and if the King will support him, the Lords must succumb, or see their House packed with new Liberal peers who will approve the action of the Commons. When this is won, however, and when the powers of the Lords are restricted as far as Mr. Asquith's Nationalist allies demand, the real troubles of the present Cabinet will but be begun.



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Comparative Prices of Diamonds. Please state the comparative prices of diamonds (first) in the United States with those in London and Paris. A SUBSCRIBER. Brussels is the great diamond market of the world. Jewels can there be bought for about 60 per cent. of the price of unmounted stones in this country. In Paris and London the rates are somewhat higher, though about 20 per cent. lower than in America.

Times-Dispatch Premium Contest. notice you will discontinue your household coupons on April 21. I have saved each one from the first issue, and up to April 23 it will give me only broken set of only twenty-two. Please say if they will be redeemable or worthless for premiums.

RED TOP. The household coupons have been running in this paper for many weeks, and there is no reason why any one who has been saving the coupons from

the beginning should not have a complete set. If your set is incomplete, that is to say if it contains less than thirty coupons, it is due to the fact that you mistook the date when the coupons were first printed. If you lack any coupons you can probably secure them in back numbers of this paper upon application to the business office.

Cotton Manufactured in the South. Please tell me what proportion of the cotton grown in this country is manufactured in the South. At last reports, based on the figures for 1909, the South manufactured about 52 per cent. of all the cotton grown in this country.

The First Sewing Thread. Please tell me when the first sewing thread was manufactured from cotton. A HEADER. 1791.

BONAPARTE FAMILY UNITED BY MARRIAGE
BY LA MARQUESE DE FONTENAY. RINCESS CLEMENTINE of Belgium's marriage to Prince Victor of Saxe-Coburg and Gotha, which took place at Brussels, but at the English home of Empress Eugenie, at Farnborough, and this dispenses of the story recently circulated to the effect that their engagement had been broken off.

There is a peculiar fitness in solemnizing the marriage at Farnborough, for, in the chapel and priory situated on the Empress's property, which is within easy motor-driving distance from Windsor, there are the tombs of Napoleon III. and of his ill-fated son, the Prince Imperial, who fell fighting under the English flag against the Zulus in 1879. The Empress, Victor Emmanuel, and his son, the Prince Imperial, were General Prince Louis Bonaparte, of the Russian army, brother of Prince Victor, their sister, the widow of the Duke of Aosta, her husband, the present Duke of Aosta, and his brother, the Duke of the Abruzzi, will also be on hand, the Duke of Aosta representing the Emperor of Italy. Princess Stephanie and her husband, Count Lonyay, have also been asked, and it is probable that some of the other members of the royal house of England, certainly Princess Henry of Battenberg, and possibly, also, Queen Alexandra and her daughter, Princess Victoria, will attend.

But far and away the most remarkable and interesting personage at the wedding will be the widow of the late King Humbert, sister of the late King Umberto, as well as of Queen Pia, and who, ever since the overthrow of the Emperor, has made her home in the Chateau of Moncaliere, near Turin, which she has converted into an orphanage, and into a hospital, and where she has led the life of a saint of Mercy, devoting herself entirely to works of charity. The only time that she left Moncaliere was when her husband died in 1890, and with such cruel neglect, lay dying at home, and he passed away with his head on her shoulder, completely reconciled. She has never appeared at any court function since the memorable day when, after the proclamation of the republic at Paris, she drove in full state in her own carriage and four, with outriders, through the streets of Paris, and even through the turbulent Faubourg St. Antoine, to take the train for Italy, all the time doffing their hats as she passed in token of respect, her departure presenting a striking contrast to that of Empress Eugenie, who died in disgrace, under the care of her American dentist, the late Dr. Thomas Evans.

The approaching marriage will be a noteworthy occasion, as indicating that the Bonapartist family is now united, and that the feuds which so long kept its members apart, and which have done much to weaken the Imperialist cause in France, are now at an end. But one cannot help recalling that Prince Victor Napoleon was descended by his father, the late Prince Napoleon, in his will, as the most unflinching of sons, that he was disinherited, and that his father absolutely refused to see him when dying. Moreover, if there was one object of hatred and aversion in the life of the late Princess Eugenie, it was her daughter, the late Princess Victoria, who was disinherited, and whose wedding of his disinherited son should take place under Eugenie's roof cannot but recall his animosity towards both of them.

Peer in Disgrace. Lord Thurlow, who is now in his seventy-second year, and who, in his young days, was connected with the British legation at Washington, is once more in the bankruptcy court, with about \$100,000 worth of liabilities and no assets. He is a familiar figure in the United States, having frequently come over here in connection with the promotion of schemes of industrial and financial enterprises, and by his agreeable, courteous manners invariably managed to secure a hear-



ing, in spite of the unpleasant features of his first bankruptcy, which took place in 1854. The registrar of the courts of bankruptcy, in making his annual report to the government in 1895, went out of his way to emphasize the fact that the remarkable bankruptcy had been the most disagreeable that had come under his notice in many years, and alluded to a number of questionable transactions upon one of the parties, a present heir-in-law, Lord Elgin, at that time Viceroy of India, and other relatives, helped him out of this very unpleasant scrape. To the extent of the present proceedings, his bankruptcy was well up in the millions of dollars.

Lord Thurlow, who has filled the office of paymaster of the government, and who in 1856 was lord high commissioner to the General Assembly of Scotland at Edinburgh, where he held court as the peer of Holyrood, in the name of the late Queen, is a very amiable, mild-spoken man, utterly unlike in his character the remarkable, low the famous lord high chancellor, who was renowned for his evil temper and his coarse language. It is on record that the great lord once having abused his valet for some time without receiving any reply, he concluded by saying: "I wish to God you were in hell, for I would have you there, upon one of the seats of judgment, and I wish I was!" On the occasion of his sitting for the last time in the Court of Chancery he did not say a single word by way of farewell to the bar, such as is usual in the case of judicial dignitaries on retirement, whereupon one of the counsel present remarked: "He might at least have said: 'Damn you!'" It was this Lord Thurlow, who Fox made the remark, "No man can ever be wiser than Lord Thurlow looks," and in point of fact his legal knowledge was considerably less than his valet's.

The present Lord Thurlow's eldest son was killed in the Boer War, as a captain of the Black Watch, at the battle of Magersfontein, and the present heir to the Thurlow barony, which dates from 1792, is the second son, the Rev. Charles Bruce, who has lived for many years in this country, at New York and in other parts, as a chaplain and manager of missions to seamen. Another son, the Hon. Henry Bruce, has followed the example of his father in graduating from the bankruptcy court.

To Abolish Knighthood. An international league has been formed to combat the ever-increasing flood of Order of Knighthood. It sprang into existence at Belgrade, and was founded by a much decorated former Cabinet minister, and is meeting with considerable success, not only in Serbia, but also elsewhere on the Continent, particularly among state functionaries. The latter are always badly paid, and the government, by way of economy, bestows upon them decorations in lieu of increase of salary. The order, which would naturally prefer the money, since orders of knighthood do not help to pay butchers' and bakers' bills; and, assuming that if the government is debarrassed from bestowing orders of knighthood, it will be obliged to raise their stipends, and only tentative, are coming the new league, and promoting its interests with all their might. Of course, the league meets with opposition, but only on the part of the governments, who do not relish the prospect, but also on the part of the rulers and princes, who have been accustomed to reward services by means of decorations. If they are obliged to give jewelry instead, it will cost them much more.

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